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Catheter since they are essentially the same structure and device as the Foley: flexible catheters with balloons at the distal ends. The Swan-Ganz catheter and Fogarty are even used in the same organ system-the arteriovenous system; I am willing to accept that my invention is not patentable under 35 U.S.C. 103(a) if the examiner can invalidate the patents of the Swanz-Ganz and Fogarty catheters which are essentially the same devices. How more obvious and similar can these devices be, yet somehow they achieved patent protection. It defies reason that Ted Stigell can render opinions about what individuals with "ordinary skill" in this art could develop, when he has no training or skill in this art, yet these catheters with balloons have achieved been awarded patents but they are essentially the same device. Mr. Stigell did not have any answer to this in the previous communication.

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In this case, the examiner has rejected claims 10,13,14 16-17 as unpatenable over Pell(U.S. Pat. No.4,850,348). et al, in review of Wood (GB)2,220,357 and Joseph (US Pat no 5819723). He has cited three patents that are unrelated to each other and to the applicant's device. Pell's device as mentioned before has no function to suction the oropharynx or trachea and as previously presented has no design to capture debris into a receptacle. It is a tube used for endotracheal intubation for use with a ventilator and as a positioning device in the mouth. It has no structure or mechanical design to allow for any suction

Someone with "ordinary skill" in the art cannot think of using this device for any other purpose or they would have seriously less than even ordinary skill, or better stated no skill or dangerous skill in the art. The examiner cannot comprehend

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this because he has zero skill or knowledge in the art and cannot possibly make determinations of what a person with ordinary skill in the art would be able to fashion based on the devices of Pell, Joseph and Wood. Pell again does not disclose any of the limitations I have disclosed. Mr. Stigell makes blanket statements such as "Pell discloses most of the limitations recited by the applicant." How exactly does Pell do this? His device is for endotracheal intubation and ventilation. It is not intended for or have limitations which extend to a suction system to remove particulate foreign debris. Mr. Stigell does not understand these devices or has he ever personally used such devices. There is only so much you can garner from reading other peoples ideas and looking for similarities. I could then invalidate every vascular surgical device because it resembles a garden hose and they both carry fluid using the examiner's logic. In light of the fact that the devices I have mentioned (Fogarty, Swan-Ganz, and Foley catheter) are essentially the same device and even used in the same organ system, his reasoning is flawed. I cannot take Mr. Stigell through 10 years of medical and surgical training to understand these devices, how they are used and their exact limitations. Therefore claims 10, 13-14, and 16-17 are not to be rejected under 35 U.S.C.

I know from his description of these devices that Mr. Stigell does not know what the devices he is citing actually do and therefore cannot understand their limitations. He does not understand if Pell's device can even be employed with assist control or SIMV ventilation or what happens when foreign material will obstruct the lumen of Pell's device. He certainly cannot comprehend what someone with ordinary skill in the art could develop up in light of Pell's device.